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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,985	02/28/2002	Michael W. Stark	S42-4	4504
25179	7590	01/27/2005	EXAMINER	
A PATENT LAWYER CORP, PC			DUNWOODY, AARON M	
R WILLIAM GRAHAM			ART UNIT	PAPER NUMBER
22 S ST CLAIR ST				
DAYTON, OH 45402			3679	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>[Signature]</i> <b>Office Action Summary</b>	Application No.	Applicant(s)
	10/085,985	STARK ET AL.
	Examiner	Art Unit
	Aaron M Dunwoody	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 October 2004.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,5,6,9,11,13 and 14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,5,6,9,11,13 and 14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

Applicant's Appeal Brief is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 9, 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4786088, Ziu.

In regards to claim 1, Ziu discloses a double containment pipe system, which includes a carrier pipe section (12) having a plurality of radially spaced centralizer fins (22) connected to and longitudinally extending along an outer surface thereof in a manner which prevents movement thereof with respect to the carrier pipe only, and a containment pipe section (14) having an inner surface of a diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus (16) is formed between the carrier pipe section and containment pipe section such that the carrier pipe and the fins slide as a unit within the containment pipe; and wherein the system is characterized to include a plurality of the carrier pipe sections as defined which are fixedly interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp (88).

In regards to claim 3, Ziu discloses the radially spaced centralizer fins being generally radially equidistantly spaced from one another.

In regards to claims 5 and 13, Ziu discloses the clamp is characterized to include a quick connect coupling having a clamp configured to sealably enclose and connect adjacent ends of the connecting containment pipe sections.

In regards to claims 6 and 14, Ziu discloses includes a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members (implied, col. 3, lines 4-14).

In regards to claim 9, Ziu discloses a double containment pipe system, which includes a carrier pipe section; and a containment pipe section having a plurality of radially spaced centralizer fins fixably connected to and longitudinally extending along an inner surface thereof in a manner which prevents movement thereof with respect to the containment pipe only such that the carrier pipe slides on the fins within the containment pipe and providing an inner diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus is formed between the carrier pipe section and containment pipe section; and wherein the system is characterized to include a plurality of the carrier pipe sections as defined which are fixably interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp.

In regards to claim 11, Ziu discloses the radially spaced members being generally radially equidistantly spaced from one another.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5186502, Martin in view of US patent 5433484, Ewen et al.

In regards to claim 1, Martin discloses a double containment pipe system, which includes a carrier pipe section (28) having a plurality of radially spaced centralizer fins (26) connected to and longitudinally extending along an outer surface thereof in a manner which prevents movement thereof with respect to the carrier pipe only, and a containment pipe section (34) having an inner surface of a diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus (60) is formed between the carrier pipe section and containment pipe section such that the carrier pipe and the fins slide as a unit within the containment pipe; and wherein the system is characterized to include a plurality of the carrier pipe sections as defined which are fixedly interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another.

Martin does not disclose a plurality of the carrier pipe sections as defined which are fixedly interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp. Ewen et al teaches a plurality of the carrier pipe sections (108) as defined which are fixedly interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp (160) to maintain the intimacy of the fit between pipes (column 7, lines 42-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of the carrier pipe sections as defined which are fixedly interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp to maintain the intimacy of the fit between pipes, as taught by Ewen et al.

In regards to claim 3, Martin discloses the radially spaced centralizer fins being generally radially equidistantly spaced from one another.

In regards to claims 5 and 13, Ewen et al disclose the clamp being characterized to include a quick connect coupling having a clamp.

In regards to claim 9; Martin discloses a double containment pipe system, which includes a carrier pipe section; and a containment pipe section having a plurality of radially spaced centralizer fins fixably connected to and longitudinally extending along an inner surface thereof in a manner which prevents movement thereof with respect to the containment pipe only such that the carrier pipe slides on the fins within the

containment pipe and providing an inner diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus is formed between the carrier pipe section and containment pipe section; and wherein the system is characterized to include a plurality of the carrier pipe sections as defined which are fixably interconnected to one another and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another by a clamp.

In regards to claim 11, Martin discloses the radially spaced members being generally radially equidistantly spaced from one another.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view Ewen et al, in further view of US patent 6039066, Selby.

In regards to claims 6 and 14, Martin in view of Ewen et al disclose the claimed invention except for a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members. Selby teaches a leak detection device (34) operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members (41) "such the color of any water passing there through can be visually observed" (col. 1, lines 46-47). It would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members such the color of any water passing there through can be visually observed, as taught by Selby.

***Response to Arguments***

Applicant's arguments filed 10/26/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., clamps with seals to hold the containment pipes together in a sealed manner and if removed would disconnect the containment pipes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody  
Examiner  
Art Unit 3679

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